

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STATE FARM FIRE AND
CASUALTY COMPANY,

Plaintiff,

Case No. 17-cv-10931
Hon. Matthew F. Leitman

v.

WOODWORTH WOODS
CONDOMINIUM
ASSOCIATION, *et al.*,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT
JUDGMENT AGAINST ELIZABETH MARZETTE (ECF #14)**

In this action, Plaintiff State Farm Fire and Casualty Company filed a Complaint for Declaratory Judgment against Defendants Woodworth Woods Condominium Association, Advanced Property Management, LLC, Absolute Services & Associates, LLC,¹ and Elizabeth Marzette. (*See* Compl., ECF #1.) Marzette was served with the Summons and Complaint on April 5, 2017 (*see* ECF #5), but did not appear in this action to answer or otherwise defend herself. On May 16, 2017, the Clerk of the Court entered a default as to Marzette. (*See* ECF #7.) On June 22, 2017, State Farm filed a motion for entry of default judgment against Marzette. (*See* ECF #14.) The motion

¹ Absolute Services & Associates LLC was voluntarily dismissed without prejudice from this action on June 22, 2017. (*See* ECF #13.)

seeks entry of default judgment “declaring that Elizabeth Marzette is precluded from challenging the findings of this Court as to whether State Farm has a duty to defend and/or indemnify Woodworth Woods Condominium Association, Advanced Property Management, LLC, and/or Absolute Services & Associates, LLC in the litigation she filed against those entities in Wayne County Circuit Court, under Case No. 16-012475, and for such other and further relief this Court deems appropriate.” (*See id.* at Pg. ID 249-50.)

The Court held a hearing on the motion for entry of default judgment on February 1, 2018. At that hearing, the Court noted that there was some uncertainty as to whether Marzette had been served with State Farm’s motion or the Clerk’s entry of default against her. The Court asked State Farm to serve Marzette with those documents. State Farm agreed to serve those documents on Marzette and then did serve the documents on her. On February 20, 2018, State Farm filed a certificate of service confirming that on February 2, 2018, it served Marzette with a copy of the Motion for Entry of Default Judgment Against Elizabeth Marzette and the Clerk’s Entry of Default. (*See* ECF #25.) Marzette has still failed to appear in this action to plead or otherwise defend herself.

Accordingly, **IT IS HEREBY ORDERED** that State Farm’s motion for entry of default judgment against Elizabeth Marzette is **GRANTED**.

Dated: March 1, 2018

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 1, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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